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RUEHNE/AMEMBASSY NEW DELHI 4952
RUEHUL/AMEMBASSY SEOUL 8528
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RUEHCHI/AMCONSUL CHIANG MAI 1773
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RUEKJCS/JOINT STAFF WASHDC

S E C R E T SECTION 01 OF 02 RANGOON 000648

SIPDIS

DEPT FOR EAP/MLS, DRL, AND IO
PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: ASSK MEETS LAWYER FOR FIRST TIME IN FIVE YEARS

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Classified By: CDA Tom Vajda for Reasons 1.4 (b) & (d)

11. (S) SUMMARY: Aung San Suu Kyi (ASSK) met with her personal lawyer August 8 for the first time in over five years. According to her lawyer, ASSK appeared physically and mentally healthy during the two-hour meeting, during which she focused exclusively on the legal case concerning her detention. During the private meeting, facilitated by the Special Branch Police, ASSK asked her lawyer to address the restrictions placed on her and her two personal assistants as a consequence of her detention, and she signed a power of attorney allowing her lawyer formally to appeal her case. ASSK's lawyer speculated that the regime's decision to allow the visit was prompted by ASSK's refusal to accept any food deliveries until she met with him - and not by the visit of the UN Human Rights Special Rapporteur (SEPTEL). END SUMMARY.

LAWYER: THREAT TO DECLINE FOOD DELIVERIES PROMPTED MEETING

12. (S) Charge and Pol/Econ Chief met August 11 with ASSK's personal lawyer U Kyi Wynn (aka Neville), who reported he was informed by the Special Branch (SB) of the Burmese police August 7 that he would be permitted to meet with ASSK the following day. He was asked to come alone and keep the meeting secret. Neville told us his last meeting with ASSK had been prior to the Depayin incident in May 2003, in which pro-regime thugs attacked ASSK's convoy and killed a number of her supporters. It was after this incident that ASSK was detained and began her current period of house arrest. Neville believed the August 8 meeting had had nothing to do with the recent visit of UN Special Rapporteur Ojea Quintana, but rather was in response to a long-standing request by ASSK. The precipitating event, he said, was that she had recently told the police she would not accept food deliveries until her request to meet with her lawyer was granted. Neville said ASSK had had enough food on hand, and that she had laughingly dismissed the notion that she was on a hunger strike, saying "I wouldn't starve myself." He added that she had served cake during their meeting.

ASSK APPEARED STRONG; DISCUSSED LEGAL CASE; SIGNED POA

¶3. (S) Neville said ASSK appeared "pretty strong" and seemed to him to be both physically and mentally healthy. He noted that ASSK had done the talking for the majority of their meeting, which focused exclusively on the legal case surrounding her detention. She specifically asked Neville to address four elements of her case: 1) the unlawful/wrongful nature of her arrest and detention; 2) the legality of the duration of her detention; 3) the conditions/restrictions of her detention; and 4) the restrictions placed on her two personal assistants, Daw Khin Khin Win and her daughter, who live on ASSK's compound.

¶4. (S) ASSK had asked that Neville address the latter two concerns immediately and that he enlist two other lawyers (of his choosing) to assist him with her case. Neville showed us a power-of-attorney (POA) form that she had signed, enabling him to take legal action on her behalf. She noted that her last medical visit with her doctor (Douglas) had been in January, and that his post-Nargis visit in May to assess damage to her property had not been of a medical nature. Neville told us he planned to write a letter to Special Branch requesting a medical checkup for ASSK and asking that SB not restrict the duration of the lawyer's future meetings with his client.

ASSK "NOT INTERESTED" IN ESTATE CASE

¶5. (S) When Neville presented ASSK with legal proceedings regarding the estate case involving her brother, Aung San Oo, ASSK said she was not at all interested in the case. (NOTE: Aung San Oo has filed a legal case to evict ASSK from her house. END NOTE.) When Charge inquired whether ASSK had

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discussed political or other matters, Neville said she had focused exclusively on the legal case relating to her detention. He observed that she had not even mentioned the Depayin incident, even though the two had not met since then.

In response to our specific questions, he said she had not discussed her sons, the recent POTUS visit to Thailand, or the plans to award her the Congressional Gold Medal. Neville said he believed that she had no television but did have a radio and could listen to VOA, and said she did not ask him to pass any messages to anyone.

¶6. (S) Neville noted that he was able to bring documents both to and from the meeting. He had met briefly with and been photographed by Special Branch police prior to the meeting and had fully debriefed Home Ministry officials, including Special Branch Chief Myint Thein, upon its conclusion. He planned to write a letter to Special Branch requesting a medical checkup for ASSK and asking that SB not restrict the duration of future meetings with his client. He also told the SB on ASSK's instruction that she would resume accepting food deliveries.

LAWYER TO FILE NEW APPEAL

¶7. (S) Neville noted that under Burmese law, ASSK had the right to appeal her detention, but that three prior attempts to file an appeal on her behalf had failed. In the most recent case, for example, authorities in Nay Pyi Taw had refused to accept the legal paperwork (the mailed package had been returned unopened). Neville noted that a POA from the defendant - lacking in the previous instances - was technically a requirement for an appeal and stated that he would file a new appeal using the form signed by ASSK at the August 8 meeting.

COMMENT

¶8. (S) Neville reiterated to us that although he was a

"co-opted member" of the judicial committee of the NLD, he was not a party member. His discussion with ASSK had been purely of a legal, apolitical nature, which, he said, he himself prefers. He seemed genuinely surprised that after five years he was finally allowed to meet with his client, but was unsure when/if a follow-up meeting would be granted. Neville made clear the regime, even under Burma's own laws, was holding ASSK illegally, and said he would put forward a strong legal case in her appeal. It is impossible at this point to ascertain the regime's motives in allowing this meeting, but if Neville is correct that GOB officials were responding to ASSK's threat to cease food deliveries, it would indicate the regime is at least somewhat aware of the blowback should such a threat become public knowledge.

VAJDA